

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 135
SENATE BILL 1537

AN ACT

AMENDING SECTION 8-804, ARIZONA REVISED STATUTES; AMENDING SECTION 41-619.51, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 46, SECTION 3 AND CHAPTER 296, SECTION 12; REPEALING SECTION 41-619.51, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 287, SECTION 3; AMENDING SECTION 41-1758, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 46, SECTION 4 AND CHAPTER 296, SECTION 13; REPEALING SECTION 41-1758, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 287, SECTION 4; AMENDING SECTION 41-1758.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 46, SECTION 5 AND CHAPTER 296, SECTION 14; REPEALING SECTION 41-1758.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 287, SECTION 5; AMENDING SECTION 46-141, ARIZONA REVISED STATUTES; RELATING TO FINGERPRINTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-804, Arizona Revised Statutes, is amended to
3 read:

4 8-804. Central registry; notification

5 A. The department shall maintain a central registry of reports of
6 child abuse and neglect that are substantiated and the outcome of the
7 investigation of these reports made under this article. A finding made by
8 a court pursuant to section 8-844, subsection C that a child is dependent
9 based on an allegation of abuse or neglect shall be recorded as a
10 substantiated finding of abuse or neglect. The department shall
11 incorporate duplicate reports on the same incident in the original report
12 and shall not classify duplicate reports as new reports.

13 B. The department shall conduct central registry background checks
14 and shall use the information contained in the central registry only for
15 the following purposes:

16 1. As a factor to determine qualifications for **ANY OF THE**
17 **FOLLOWING:**

18 (a) Foster home licensing. ~~;~~

19 (b) Adoptive parent certification. ~~;~~

20 (c) Individuals who apply for child welfare agency licensing. ~~;~~

21 (d) Child care home certification. ~~;~~

22 (e) Registration of unregulated child care homes with the child
23 care resource and referral system. ~~;~~ ~~and~~

24 (f) Home and community based services certification for services to
25 children or vulnerable adults.

26 (g) **AN ADULT WHO WORKS IN A GROUP HOME, RESIDENTIAL TREATMENT**
27 **CENTER, SHELTER OR OTHER CONGREGATE CARE SETTING.**

28 2. As a factor to determine qualifications for persons who are
29 employed or who are applying for employment with this state in positions
30 that provide direct service to children or vulnerable adults.

31 3. As a factor to determine qualifications for individuals who are
32 employed or who are applying for employment with a child welfare agency in
33 positions that provide direct service to children or vulnerable adults.

34 4. As a factor to determine qualifications for positions that
35 provide direct service to children or vulnerable adults for:

36 (a) Any person who applies for a contract with this state and that
37 person's employees.

38 (b) All employees of a contractor.

39 (c) A subcontractor of a contractor and the subcontractor's
40 employees.

41 (d) Prospective employees of the contractor or subcontractor at the
42 request of the prospective employer.

1 5. Beginning August 1, 2013, to provide information to licensees
2 that do not contract with this state regarding persons who are employed or
3 seeking employment to provide direct services to children pursuant to
4 title 36, chapter 7.1.

5 6. To identify and review reports concerning individual children
6 and families, in order to facilitate the assessment of safety and risk.

7 7. To determine the nature and scope of child abuse and neglect in
8 this state and to provide statewide statistical and demographic
9 information concerning trends in child abuse and neglect.

10 8. To allow comparisons of this state's statistical data with
11 national data.

12 9. To comply with section 8-804.01, subsection B.

13 C. ~~Beginning August 1, 2013,~~ Licensees that do not contract with
14 the state and that employ persons who provide direct services to children
15 pursuant to title 36, chapter 7.1 must submit to the department of child
16 safety in a manner prescribed by the department of child safety
17 information necessary to conduct central registry background checks. The
18 department of health services shall verify whether licensees, pursuant to
19 title 36, chapter 7.1, have complied with the requirements of this
20 subsection and any rules adopted by the department of health services to
21 implement this subsection.

22 D. If the department of economic security received a report before
23 September 1, 1999 and determined that the report was substantiated, the
24 department of child safety shall maintain the report in the central
25 registry until eighteen years from the child victim's date of birth.

26 E. If the department of economic security or the department of
27 child safety received a report on or after September 1, 1999 and
28 determined that the report was substantiated, the department of child
29 safety shall maintain the report in the central registry for a maximum of
30 twenty-five years after the date of the report. If the department of
31 child safety maintains reports in the central registry for less than
32 twenty-five years, the department shall adopt rules to designate the
33 length of time it must maintain those reports in the central registry.

34 F. The department shall annually purge reports and investigative
35 outcomes received pursuant to the time frames prescribed in subsections D
36 and E of this section.

37 G. Any person who was the subject of a department investigation may
38 request confirmation that the department has purged information about the
39 person pursuant to subsection F of this section. On receipt of this
40 request, the department shall provide the person with written confirmation
41 that the department has no record containing identifying information about
42 that person.

43 H. The department shall notify a person, contractor or licensee
44 identified in subsection B, paragraph 4, subdivisions (a), (b) and (c) and
45 subsection B, paragraph 5 of this section who is disqualified because of a

1 central registry check conducted pursuant to subsection B of this section
2 that the person may apply to the board of fingerprinting for a central
3 registry exception pursuant to section 41-619.57.

4 I. Before being employed in a position that provides direct
5 services to children or vulnerable adults pursuant to subsection B,
6 paragraphs 4 and 5 or subsection C of this section, employees shall
7 certify, under penalty of perjury, on forms that are provided by the
8 department whether an allegation of abuse or neglect was made against them
9 and was substantiated. The forms are confidential. If this certification
10 does not indicate a current investigation or a substantiated report of
11 abuse or neglect, the employee may provide direct services pending the
12 findings of the central registry check.

13 J. A person who is granted a central registry exception pursuant to
14 section 41-619.57 is not entitled to a contract, employment, licensure,
15 certification or other benefit because the person has been granted a
16 central registry exception.

17 K. An agency of this state that conducts central registry
18 background checks as a factor to determine qualifications for positions
19 that provide direct services to children or vulnerable adults shall
20 publish a list of disqualifying acts of substantiated abuse or neglect.

21 L. An agency of this state that conducts central registry
22 background checks may provide information contained in the central
23 registry on all reports of child abuse and neglect that are substantiated
24 and the outcomes of the investigations of the reports to carry out the
25 provisions of this section. Identifying information regarding any person
26 other than the perpetrator may not be released. Information received
27 pursuant to this section may not be further disseminated unless authorized
28 by law or court order.

29 Sec. 2. Section 41-619.51, Arizona Revised Statutes, as amended by
30 Laws 2018, chapter 46, section 3 and chapter 296, section 12, is amended
31 effective from and after August 3, 2019 to read:

32 41-619.51. Definitions

33 In this article, unless the context otherwise requires:

34 1. "Agency" means the supreme court, the department of economic
35 security, the department of child safety, the department of education, the
36 department of health services, the department of juvenile corrections, the
37 department of emergency and military affairs, the department of public
38 safety, the department of transportation, the state real estate
39 department, the department of financial institutions, the Arizona game and
40 fish department, **THE ARIZONA DEPARTMENT OF AGRICULTURE**, the board of
41 examiners of nursing care institution administrators and assisted living
42 facility managers, the state board of dental examiners, the Arizona state
43 board of pharmacy or the board of physical therapy or the state board of
44 technical registration.

1 2. "Board" means the board of fingerprinting.

2 3. "Central registry exception" means notification to the
3 department of economic security, the department of child safety or the
4 department of health services, as appropriate, pursuant to section
5 41-619.57 that the person is not disqualified because of a central
6 registry check conducted pursuant to section 8-804.

7 4. "Expedited review" means an examination, in accordance with
8 board rule, of the documents an applicant submits by the board or its
9 hearing officer without the applicant being present.

10 5. "Good cause exception" means the issuance of a fingerprint
11 clearance card to an employee pursuant to section 41-619.55.

12 6. "Person" means a person who is required to be fingerprinted
13 pursuant to this article or who is subject to a central registry check and
14 any of the following:

- 15 (a) SECTION 3-314.
- 16 ~~(a)~~ (b) Section 8-105.
- 17 ~~(b)~~ (c) Section 8-322.
- 18 ~~(c)~~ (d) Section 8-463.
- 19 ~~(d)~~ (e) Section 8-509.
- 20 ~~(e)~~ (f) Section 8-802.
- 21 ~~(f)~~ (g) Section 8-804.
- 22 ~~(g)~~ (h) Section 15-183.
- 23 ~~(h)~~ (i) Section 15-503.
- 24 ~~(i)~~ (j) Section 15-512.
- 25 ~~(j)~~ (k) Section 15-534.
- 26 ~~(k)~~ (l) Section 15-763.01.
- 27 ~~(l)~~ (m) Section 15-782.02.
- 28 ~~(m)~~ (n) Section 15-1330.
- 29 ~~(n)~~ (o) Section 15-1881.
- 30 ~~(o)~~ (p) Section 17-215.
- 31 ~~(p)~~ (q) Section 28-3228.
- 32 ~~(q)~~ (r) Section 28-3413.
- 33 ~~(r)~~ (s) Section 32-122.02.
- 34 ~~(s)~~ (t) Section 32-122.05.
- 35 ~~(t)~~ (u) Section 32-122.06.
- 36 ~~(u)~~ (v) Section 32-1232.
- 37 ~~(v)~~ (w) Section 32-1276.01.
- 38 ~~(w)~~ (x) Section 32-1284.
- 39 ~~(x)~~ (y) Section 32-1297.01.
- 40 ~~(y)~~ (z) Section 32-1904.
- 41 ~~(z)~~ (aa) Section 32-1941.
- 42 ~~(aa)~~ (bb) Section 32-2022.
- 43 ~~(bb)~~ (cc) Section 32-2108.01.
- 44 ~~(cc)~~ (dd) Section 32-2123.
- 45 ~~(dd)~~ (ee) Section 32-2371.

- 1 ~~(ee)~~ (ff) Section 32-3620.
- 2 ~~(ff)~~ (gg) Section 32-3668.
- 3 ~~(gg)~~ (hh) Section 32-3669.
- 4 ~~(hh)~~ (ii) Section 36-207.
- 5 ~~(ii)~~ (jj) Section 36-411.
- 6 ~~(jj)~~ (kk) Section 36-425.03.
- 7 ~~(kk)~~ (ll) Section 36-446.04.
- 8 ~~(ll)~~ (mm) Section 36-594.01.
- 9 ~~(mm)~~ (nn) Section 36-594.02.
- 10 ~~(nn)~~ (oo) Section 36-882.
- 11 ~~(oo)~~ (pp) Section 36-883.02.
- 12 ~~(pp)~~ (qq) Section 36-897.01.
- 13 ~~(qq)~~ (rr) Section 36-897.03.
- 14 ~~(rr)~~ (ss) Section 36-3008.
- 15 ~~(ss)~~ (tt) Section 41-619.53.
- 16 ~~(tt)~~ (uu) Section 41-1964.
- 17 ~~(uu)~~ (vv) Section 41-1967.01.
- 18 ~~(vv)~~ (ww) Section 41-1968.
- 19 ~~(ww)~~ (xx) Section 41-1969.
- 20 ~~(xx)~~ (yy) Section 41-2814.
- 21 ~~(yy)~~ (zz) Section 46-141, subsection A OR B.
- 22 ~~(zz)~~ (aaa) Section 46-321.

23 Sec. 3. Delayed repeal

24 Section 41-619.51, Arizona Revised Statutes, as amended by Laws
25 2018, chapter 287, section 3, is repealed effective from and after August
26 3, 2019.

27 Sec. 4. Section 41-1758, Arizona Revised Statutes, as amended by
28 Laws 2018, chapter 46, section 4 and chapter 296, section 13, is amended
29 effective from and after August 3, 2019 to read:

30 41-1758. Definitions

31 In this article, unless the context otherwise requires:

32 1. "Agency" means the supreme court, the department of economic
33 security, the department of child safety, the department of education, the
34 department of health services, the department of juvenile corrections, the
35 department of emergency and military affairs, the department of public
36 safety, the department of transportation, the state real estate
37 department, the department of financial institutions, the board of
38 fingerprinting, the Arizona game and fish department, THE ARIZONA
39 DEPARTMENT OF AGRICULTURE, the board of examiners of nursing care
40 institution administrators and assisted living facility managers, the
41 state board of dental examiners, the Arizona state board of pharmacy or
42 the board of physical therapy or the state board of technical
43 registration.

1 2. "Division" means the fingerprinting division in the department
2 of public safety.

3 3. "Electronic or internet-based fingerprinting services" means a
4 secure system for digitizing applicant fingerprints and transmitting the
5 applicant data and fingerprints of a person or entity submitting
6 fingerprints to the department of public safety for any authorized purpose
7 under this title. For the purposes of this paragraph, "secure system"
8 means a system that complies with the information technology security
9 policy approved by the department of public safety.

10 4. "Good cause exception" means the issuance of a fingerprint
11 clearance card to an applicant pursuant to section 41-619.55.

12 5. "Person" means a person who is required to be fingerprinted
13 pursuant to any of the following:

- 14 (a) SECTION 3-314.
- 15 ~~(a)~~ (b) Section 8-105.
- 16 ~~(b)~~ (c) Section 8-322.
- 17 ~~(c)~~ (d) Section 8-463.
- 18 ~~(d)~~ (e) Section 8-509.
- 19 ~~(e)~~ (f) Section 8-802.
- 20 ~~(f)~~ (g) Section 15-183.
- 21 ~~(g)~~ (h) Section 15-503.
- 22 ~~(h)~~ (i) Section 15-512.
- 23 ~~(i)~~ (j) Section 15-534.
- 24 ~~(j)~~ (k) Section 15-763.01.
- 25 ~~(k)~~ (l) Section 15-782.02.
- 26 ~~(l)~~ (m) Section 15-1330.
- 27 ~~(m)~~ (n) Section 15-1881.
- 28 ~~(n)~~ (o) Section 17-215.
- 29 ~~(o)~~ (p) Section 28-3228.
- 30 ~~(p)~~ (q) Section 28-3413.
- 31 ~~(q)~~ (r) Section 32-122.02.
- 32 ~~(r)~~ (s) Section 32-122.05.
- 33 ~~(s)~~ (t) Section 32-122.06.
- 34 ~~(t)~~ (u) Section 32-1232.
- 35 ~~(u)~~ (v) Section 32-1276.01.
- 36 ~~(v)~~ (w) Section 32-1284.
- 37 ~~(w)~~ (x) Section 32-1297.01.
- 38 ~~(x)~~ (y) Section 32-1904.
- 39 ~~(y)~~ (z) Section 32-1941.
- 40 ~~(z)~~ (aa) Section 32-2022.
- 41 ~~(aa)~~ (bb) Section 32-2108.01.
- 42 ~~(bb)~~ (cc) Section 32-2123.
- 43 ~~(cc)~~ (dd) Section 32-2371.
- 44 ~~(dd)~~ (ee) Section 32-3620.
- 45 ~~(ee)~~ (ff) Section 32-3668.

- 1 ~~(ff)~~ (gg) Section 32-3669.
- 2 ~~(gg)~~ (hh) Section 36-207.
- 3 ~~(hh)~~ (ii) Section 36-411.
- 4 ~~(ii)~~ (jj) Section 36-425.03.
- 5 ~~(jj)~~ (kk) Section 36-446.04.
- 6 ~~(kk)~~ (ll) Section 36-594.01.
- 7 ~~(ll)~~ (mm) Section 36-594.02.
- 8 ~~(mm)~~ (nn) Section 36-882.
- 9 ~~(nn)~~ (oo) Section 36-883.02.
- 10 ~~(oo)~~ (pp) Section 36-897.01.
- 11 ~~(pp)~~ (qq) Section 36-897.03.
- 12 ~~(qq)~~ (rr) Section 36-3008.
- 13 ~~(rr)~~ (ss) Section 41-619.52.
- 14 ~~(ss)~~ (tt) Section 41-619.53.
- 15 ~~(tt)~~ (uu) Section 41-1964.
- 16 ~~(uu)~~ (vv) Section 41-1967.01.
- 17 ~~(vv)~~ (ww) Section 41-1968.
- 18 ~~(ww)~~ (xx) Section 41-1969.
- 19 ~~(xx)~~ (yy) Section 41-2814.
- 20 ~~(yy)~~ (zz) Section 46-141, subsection A **OR B**.
- 21 ~~(zz)~~ (aaa) Section 46-321.

22 6. "Vulnerable adult" has the same meaning prescribed in section
23 13-3623.

24 Sec. 5. Delayed Repeal

25 Section **41-1758**, Arizona Revised Statutes, as amended by Laws 2018,
26 chapter 287, section 4, is repealed effective from and after August 3,
27 2019.

28 Sec. 6. Section 41-1758.01, Arizona Revised Statutes, as amended by
29 Laws 2018, chapter 46, section 5 and chapter 296, section 14, is amended
30 effective from and after August 3, 2019 to read:

31 **41-1758.01. Fingerprinting division; powers and duties**

32 A. The fingerprinting division is established in the department of
33 public safety and shall:

34 1. Conduct fingerprint background checks for persons and applicants
35 who are seeking licenses from state agencies, employment with licensees,
36 contract providers and state agencies or employment or educational
37 opportunities with agencies that require fingerprint background checks
38 pursuant to sections **3-314**, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,
39 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215,
40 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-1232, 32-1276.01,
41 32-1284, 32-1297.01, 32-1904, 32-1941, 32-2022, 32-2108.01, 32-2123,
42 32-2371, 32-3620, 32-3668, 32-3669, 36-207, 36-411, 36-425.03, 36-446.04,
43 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03, 36-3008,
44 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968, 41-1969 and 41-2814,
45 section 46-141, subsection A **OR B** and section 46-321.

1 2. Issue fingerprint clearance cards. On issuance, a fingerprint
2 clearance card becomes the personal property of the cardholder and the
3 cardholder shall retain possession of the fingerprint clearance card.

4 3. On submission of an application for a fingerprint clearance
5 card, collect the fees established by the board of fingerprinting pursuant
6 to section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147,
7 the monies collected in the board of fingerprinting fund.

8 4. Inform in writing each person who submits fingerprints for a
9 fingerprint background check of the right to petition the board of
10 fingerprinting for a good cause exception pursuant to section 41-1758.03,
11 41-1758.04 or 41-1758.07.

12 5. If after conducting a state and federal criminal history records
13 check the division determines that it is not authorized to issue a
14 fingerprint clearance card to a person, inform the person in writing that
15 the division is not authorized to issue a fingerprint clearance card. The
16 notice shall include the criminal history information on which the denial
17 was based. This criminal history information is subject to dissemination
18 restrictions pursuant to section 41-1750 and Public Law 92-544.

19 6. Notify the person in writing if the division suspends, revokes
20 or places a driving restriction notation on a fingerprint clearance card
21 pursuant to section 41-1758.04. The notice shall include the criminal
22 history information on which the suspension, revocation or placement of
23 the driving restriction notation was based. This criminal history
24 information is subject to dissemination restrictions pursuant to section
25 41-1750 and Public Law 92-544.

26 7. Administer and enforce this article.

27 B. The fingerprinting division may contract for electronic or
28 internet-based fingerprinting services through an entity or entities for
29 the acquisition and transmission of applicant fingerprint and data
30 submissions to the department, including identity verified fingerprints
31 pursuant to section 15-106. The entity or entities contracted by the
32 department of public safety may charge the applicant a fee for services
33 provided pursuant to this article. The entity or entities contracted by
34 the department of public safety shall comply with:

35 1. All information privacy and security measures and submission
36 standards established by the department of public safety.

37 2. The information technology security policy approved by the
38 department of public safety.

39 Sec. 7. Delayed repeal

40 Section 41-1758.01, Arizona Revised Statutes, as amended by Laws
41 2018, chapter 287, section 5, is repealed effective from and after August
42 3, 2019.

1 Sec. 8. Section 46-141, Arizona Revised Statutes, is amended to
2 read:

3 46-141. Criminal record information checks; fingerprinting
4 employees and applicants; definition

5 A. Each license granted by the department of economic security ~~or~~
6 ~~the department of child safety~~ and each contract entered into between the
7 department of economic security ~~or the department of child safety~~ and any
8 contract provider for the provision of services to juveniles or vulnerable
9 adults shall provide that, as a condition of employment, personnel who are
10 employed by the licensee or contractor, whether paid or not, and who are
11 required or allowed to provide services directly to juveniles or
12 vulnerable adults shall have a valid fingerprint clearance card issued
13 pursuant to section 41-1758.07 or shall apply for a fingerprint clearance
14 card within seven working days of employment.

15 B. EACH PERSON, WHETHER PAID OR NOT, SHALL HAVE AS A CONDITION OF
16 EMPLOYMENT A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO SECTION
17 41-1758.07 OR SHALL APPLY FOR A FINGERPRINT CLEARANCE CARD WITHIN SEVEN
18 WORKING DAYS AFTER BEING EMPLOYED, IF THE PERSON IS ANY OF THE FOLLOWING:

19 1. LICENSED BY THE DEPARTMENT OF CHILD SAFETY OR EMPLOYED BY THE
20 LICENSEE.

21 2. A DEPARTMENT OF CHILD SAFETY CONTRACTOR FOR THE PROVISION OF
22 SERVICES DIRECTLY TO JUVENILES OR VULNERABLE ADULTS.

23 3. AN ADULT WORKING IN A GROUP HOME, RESIDENTIAL TREATMENT CENTER,
24 SHELTER OR OTHER CONGREGATE CARE SETTING.

25 ~~B.~~ C. The licensee or contractor shall assume the costs of
26 fingerprint checks and may charge these costs to its fingerprinted
27 personnel. The department of economic security or the department of child
28 safety may allow all or part of the costs of fingerprint checks to be
29 included as an allowable cost in a contract.

30 ~~C.~~ D. A service contract or license with any contract provider or
31 licensee that involves the employment of persons who have contact with
32 juveniles or vulnerable adults shall provide that the contract or license
33 may be canceled or terminated immediately if a person certifies pursuant
34 to subsections ~~F~~ G and ~~G~~ H of this section that the person is awaiting
35 trial on or has been convicted of any of the offenses listed in
36 subsections ~~F~~ G and ~~G~~ H of this section in this state or similar
37 offenses in another state or jurisdiction or if the person does not
38 possess or is denied issuance of a valid fingerprint clearance card.

39 ~~D.~~ E. A contract provider or licensee may avoid cancellation or
40 termination of the contract or license under subsection ~~E~~ D of this
41 section if a person who does not possess or has been denied issuance of a
42 valid fingerprint clearance card or who certifies pursuant to subsections
43 ~~F~~ G and ~~G~~ H of this section that the person has been convicted of or is
44 awaiting trial on any of the offenses listed in section 41-1758.07,
45 subsection B is immediately prohibited from employment or service with the

1 contract provider or licensee in any capacity requiring or allowing
2 contact with juveniles or vulnerable adults AND IS NOT ALLOWED TO WORK IN
3 A GROUP HOME, RESIDENTIAL TREATMENT CENTER, SHELTER OR OTHER CONGREGATE
4 CARE SETTING.

5 ~~F.~~ F. A contract provider or licensee may avoid cancellation or
6 termination of the contract or license under subsection ~~E~~ D of this
7 section if a person who does not possess or has been denied issuance of a
8 valid fingerprint clearance card or who certifies pursuant to subsections
9 ~~F~~ G and ~~G~~ H of this section that the person has been convicted of or is
10 awaiting trial on any of the offenses listed in section 41-1758.07,
11 subsection C is immediately prohibited from employment or service with the
12 contract provider or licensee in any capacity requiring contact with
13 juveniles or vulnerable adults AND IS NOT ALLOWED TO WORK IN A GROUP HOME,
14 RESIDENTIAL TREATMENT CENTER, SHELTER OR OTHER CONGREGATE CARE SETTING
15 unless the person is granted a good cause exception pursuant to section
16 41-619.55.

17 ~~F.~~ G. Personnel who are employed by any contract provider or
18 licensee, whether paid or not, and who are required or allowed to provide
19 services directly to juveniles or vulnerable adults OR WHO ARE ALLOWED TO
20 WORK IN A GROUP HOME, RESIDENTIAL TREATMENT CENTER, SHELTER OR OTHER
21 CONGREGATE CARE SETTING shall certify on forms provided by the department
22 of economic security or the department of child safety and notarized
23 whether they are awaiting trial on or have ever been convicted of any of
24 the criminal offenses listed in section 41-1758.07, subsections B and C in
25 this state or similar offenses in another state or jurisdiction.

26 ~~G.~~ H. Personnel who are employed by any contract provider or
27 licensee, whether paid or not, and who are required or allowed to provide
28 services directly to juveniles OR WHO ARE ALLOWED TO WORK IN A GROUP HOME,
29 RESIDENTIAL TREATMENT CENTER, SHELTER OR OTHER CONGREGATE CARE SETTING
30 shall certify on forms provided by the department of economic security or
31 the department of child safety and notarized whether they have ever
32 committed any act of sexual abuse of a child, including sexual
33 exploitation and commercial sexual exploitation, or any act of child
34 abuse.

35 ~~H.~~ I. Federally recognized Indian tribes or military bases may
36 submit and the department of economic security and the department of child
37 safety shall accept certifications that state that personnel who are
38 employed or who will be employed during the contract term have not been
39 convicted of, have not admitted committing or are not awaiting trial on
40 any offense under subsection ~~F~~ G of this section.

41 ~~I.~~ J. A person who applies to the department of economic security
42 or the department of child safety for a license or certificate or for paid
43 or unpaid employment, including contract services, and who will provide
44 direct services to juveniles or vulnerable adults OR WHO WILL WORK IN A
45 GROUP HOME, RESIDENTIAL TREATMENT CENTER, SHELTER OR OTHER CONGREGATE CARE

1 ~~SETTING~~ shall submit a full set of fingerprints to the department for the
2 purpose of obtaining a state and federal criminal records check pursuant
3 to section 41-1750 and Public Law 92-544. The department of public safety
4 may exchange this fingerprint data with the federal bureau of
5 investigation. This subsection does not apply to those persons who are
6 subject to section 8-105, 8-509, 8-802 or 41-1968 or subsection A of this
7 section.

8 ~~J.~~ K. The special services unit of the department of economic
9 security and employees of the department of child safety may use the
10 department of public safety automated system to update all criminal
11 history record information in order to ensure, to the maximum extent
12 reasonably possible, complete disposition information. The department of
13 economic security or the department of child safety may deny employment or
14 issuance or renewal of the contract or license applied for in these cases
15 if it determines that the criminal history record information indicates
16 that ~~such~~ THE employee, applicant or contractor is not qualified or
17 suitable.

18 ~~K.~~ L. Volunteers who provide services to juveniles or vulnerable
19 adults under the direct visual supervision of the contractor's or
20 licensee's employees are exempt from the fingerprinting requirements of
21 this section, ~~UNLESS THE VOLUNTEER WORKS IN A GROUP HOME, RESIDENTIAL~~
22 ~~TREATMENT CENTER, SHELTER OR OTHER CONGREGATE CARE SETTING.~~

23 ~~L.~~ M. The department of economic security or the department of
24 child safety shall notify the department of public safety if the
25 department of economic security or the department of child safety receives
26 credible evidence that a person who possesses a valid fingerprint
27 clearance card pursuant to subsection A of this section either:

28 1. Is arrested for or charged with an offense listed in section
29 41-1758.07, subsection B or C.

30 2. Falsified information on the form required by subsection ~~F~~ G of
31 this section.

32 ~~M.~~ N. For the purposes of this section, "vulnerable adult" has the
33 same meaning prescribed in section 46-451.

34 Sec. 9. Emergency

35 This act is an emergency measure that is necessary to preserve the
36 public peace, health or safety and is operative immediately as provided by
37 law.

APPROVED BY THE GOVERNOR APRIL 24, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 2019.